



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,341	10/29/2001	William L. Putnam	PA2025US	2405
22830	7590	03/23/2006	EXAMINER	
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			HOSSAIN, TANIM M	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/046,341	<b>Applicant(s)</b> PUTNAM, ET AL	
	<b>Examiner</b> Tanim Hossain	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10/29/01.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Levy (U.S. 6,505,160).

As per claim 1, Levy teaches a method for a media agent to monitor multiple broadcast transmissions, each broadcast transmission containing media content, comprising: identifying the broadcast transmissions to be monitored (column 2, lines 4-21); establishing connections with the identified broadcast transmissions (column 1, lines 40-60); identifying, for each connected broadcast transmission, at least one characteristic of the media content associated with the connected broadcast transmission (column 2, lines 4-21); and maintaining the association between the identified at least one characteristic of the media content and the connected broadcast transmission (column 2, lines 22-37).

As per claim 2, Levy further teaches that the broadcast transmissions are composed of streaming audio data (column 2, lines 20-21).

As per claim 3, Levy further teaches that the broadcast transmissions are transmitted over the Internet (column 2, lines 20-21).

As per claim 4, Levy further teaches that the step of identifying the at least one characteristic of media content is accomplished through the use of pattern recognition (3; 24-47).

As per claim 5, Levy further teaches that the pattern recognition scheme examines the audio portion of the media content (3; 24-47).

As per claim 6, Levy further teaches that the step of identifying the at least one characteristic of the media content associated with each connected broadcast transmission is accomplished with metadata (2; 22-37).

As per claim 7, Levy further teaches terminating the connection to the identified broadcast transmissions after the step of identifying the at least one characteristic of the media content is complete; and wherein the step of establishing connections with the identified broadcast transmissions is not performed simultaneously for all broadcast transmissions (4; 40-62).

As per claim 8, Levy further teaches reestablishing, when a transition in media content is expected, connections to the identified broadcast transmissions whose connections were terminated (4; 40-62).

As per claim 9, Levy further teaches that the expected transition in media content is based on a duration of the media content (4; 40-62).

As per claim 10, Levy further teaches presenting the at least one characteristic of the media content to a user for each connected broadcast transmission (4; 40-62).

As per claim 11, Levy further teaches receiving a selection of one of the at least one characteristic of the media content from among all the at least one characteristic of the media contents presented to the user; and causing the user to receive the broadcast transmission associated with the selected at least one characteristic of the media content (4; 40-62, 2; 22-37).

As per claims 12-14, Levy further teaches that the at least one characteristic of the media content is a musical genre, title of a song, and name of an artist (2; 47-50).

As per claim 15, Levy further teaches receiving preferred media content parameters from a user (2; 38-61).

As per claim 16, Levy further teaches determining whether the at least one characteristic of the media content associated with each connected broadcast transmission is within the preferred media content parameters; and presenting a notification to the user when the at least one characteristic of the media content associated with each connected broadcast transmission is determined to be with in the preferred media content parameters (4; 40-62, 2; 22-37).

As per claims 17 and 18, Levy further teaches determining whether the at least one characteristic of the media content associated with each connected broadcast transmission is within the preferred media content parameters; causing the user to receive the broadcast transmission associated with the certain type of characteristic when the at least one characteristic of the media content associated with each connected broadcast transmission is determined to be with the preferred media content parameters (4; 40-62, 2; 22-37); and recording the broadcast transmission associated with the certain type of characteristic when the at least characteristic of the media content associated with each connected broadcast transmission is determined to be with the preferred media content parameters (4; 40-62, 2; 22-37).

As per claim 19, Levy further teaches that the recording broadcast transmission is performed for the purpose of time shifting (3; 24-47).

As per claim 20, Levy further teaches accessing a predetermined set of broadcast transmissions from an advisor database where each predetermined broadcast transmission is associated with a classification (2; 22-37), wherein the step of identifying the broadcast transmission to be monitored is accomplished through an analysis of the classifications associated with the set of predetermined broadcast transmissions and the preferred media content parameters (4; 40-62, 2; 22-37).

As per claim 21, Levy further teaches that the step of classifying broadcast transmissions is accomplished through a historical analysis of characteristics of media content associated with each broadcast transmission to be classified (4; 40-62, 2; 22-37).

As per claim 22, Levy teaches a method comprising the steps of: selecting a group of broadcast transmissions to be monitored, each broadcast transmission containing media content; and repeating, for each broadcast transmissions, the steps of establishing a connection to the broadcast transmissions; and identifying characteristics of the media content contained in the connected broadcast transmissions through an analysis of the connected broadcast transmissions (4; 40-62, 2; 4-61).

As per claim 23, Levy further teaches presenting the identified characteristics of the media contents to the user (4; 40-62, 2; 22-37).

As per claim 24, Levy further teaches receiving from the user a selection from among the identified characteristics of the media contents presented to the user; and causing the user to receive the broadcast transmission that is associated with the selection (4; 40-62, 2; 22-37).

As per claim 25, Levy further teaches receiving from the user a selection of preferred media content parameters; determining whether the identified characteristics of each media content is within the preferred media content parameters; and notifying the user when the identified characteristics of a media content is identified as being contained in a broadcast transmission within the group of broadcast transmissions (4; 40-62, 2; 22-37).

As per claim 26, Levy teaches a media agent comprising: a user interface for a user to identify a plurality of broadcast transmissions; a network interface for receiving a plurality of identified broadcast transmissions from a network; a media decoder for decoding each broadcast transmission received from the network; and a monitoring module for identifying at least one characteristic of the decoded broadcast transmission (4; 40-62, 2; 4-61).

As per claim 27, Levy further teaches that the user interface presents the at least one characteristic of the decoded broadcast transmission to the user (4; 40-62, 2; 22-37).

As per claim 28, Levy further teaches that the monitoring module is additionally for associating the identified at least one characteristic of the media content with the broadcast transmission received from the network (4; 40-62, 2; 4-61).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571/272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tanim Hossain  
Patent Examiner  
Art Unit 2145



**JASON CARDONE**  
**SUPERVISORY PATENT EXAMINER**